

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 24, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawai'i

Consent to Assign General Lease No. S-4545, Honua Hawaii 2000, Assignor, to Boy Scouts of America, Aloha Council, Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-4-04:131,132.

APPLICANT:

Honua Hawaii 2000, as Assignor, to Boy Scouts of America, Aloha Council, a Hawaii Non-profit corporation, whose business and mailing address is 42 Puiwa Road, Honolulu, Hawaii 96817, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waiakea Forest Reserve and Panaewa Forest Reserve situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: 3rd/2-4-04:131,132, as shown on the attached map labeled Exhibit A.

AREA:

202.128 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

For outdoor education center purposes.

TERM OF LEASE:

65 years, commencing on 12/24/1976 and expiring on 12/23/2041. There is no rental reopening provision for this lease.

ANNUAL RENTAL:

\$1.00.

CONSIDERATION:

\$ 10.00.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Good standing confirmed:	YES <u>X</u>	NO <u> </u>

ASSIGNEE:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

At its meeting of July 12, 1974, under agenda item F-6, the Board approved of and recommended to the Governor that a public hearing be held on the Island of Hawaii covering the proposed withdrawal of lands from the Waiakea Forest Reserve. A public hearing was held in Hilo on May 4, 1976. The Master's Report on Public Hearing was presented to the Board on May 14, 1976, under agenda item c-3, and the Board approved the withdrawal of approximately 175 acres from the Waiakea and Panaewa Forest Reserves for the eventual lease to Hawaii 2000 Foundation, Inc. for an Outdoor Education Center.

At its meeting of December 10, 1976, under agenda item F-3, as amended, the Board approved a direct lease of Government land at Waiakea, South Hilo Hawaii to the Hawaii 2000 Foundation, Inc.

Further at its meeting of June 22, 1990, under agenda item F-1-f, the Board approved the assignment of GL S-4545 from Honua Hawaii, formerly known as Hawaii 2000 Foundation, Inc. a dissolved Hawaii corporation, by and through its Trustees in Dissolution, as Assignor to Honua Hawaii 2,000, a Hawaii non-profit corporation, as Assignee.

Honua Hawaii 2,000 submitted a request for consent to sublease to the Waiakea Settlement Young Men's Christian Association, the Hawaii Island YWCA and the Boy Scouts of America, Aloha Council in 1992.

Construction plans were submitted for the expansion of the existing facilities in conjunction with the subleases. However, because the land is within a conservation zone, a Conservation District Use Plan (CDUP) was required but never finalized. Subsequently, the plans were dropped and according to the Lessee, the subleases were never effectuated.

Honua Hawaii 2,000, a Hawaii non-profit corporation wishes to assign GL S-4545 to the Boy Scouts of America, Aloha Council, also a Hawaii non-profit corporation as a gift.

The Assignee has been utilizing the property for some time now and has been maintaining the structures as well as the grounds. The Boy Scouts of America, Aloha Council plan to continue using the property for administrative purposes and activities associated with the scouting program.

The Lessee is compliant with all the terms and conditions of the lease with regards to rent, insurance and performance bond.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The lease does not have a provision for rental renewal. The rental amount is fixed for the duration of the lease term.


RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4545 from Honua Hawaii 2,000, as Assignor, to Boy Scouts of America, Aloha Council, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;

2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



KEN Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:




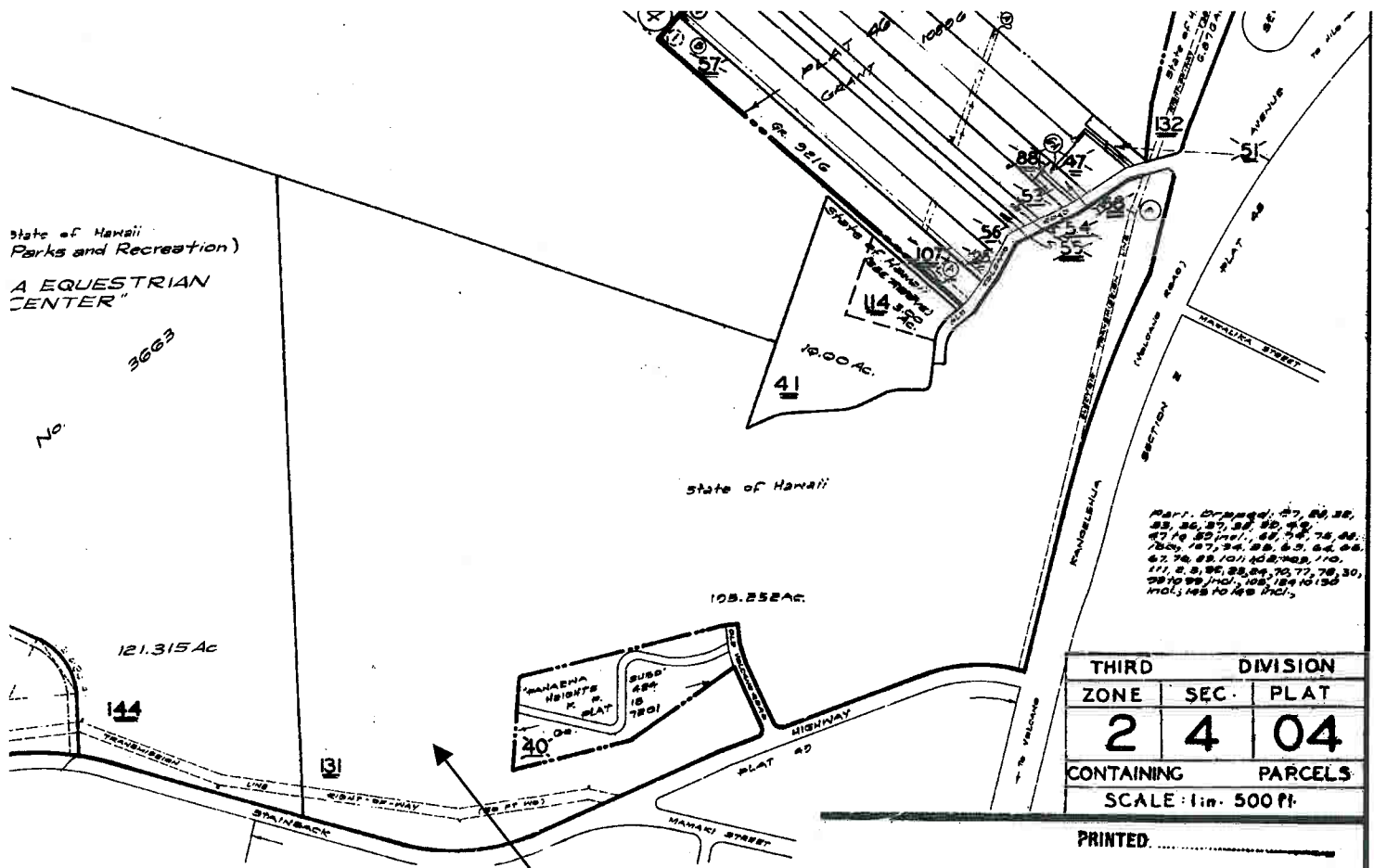
Laura H. Thielen, Chairperson 

EXHIBIT A

TMK: 3RD/2-4-04:131, 132



SUBJECT PROPERTY

GL S-4545

